REMARKS

These remarks are directed to the office action mailed February 3, 2009, setting a three month shortened statutory period for response which expired on May 3, 2009. A one month extension request and required fee authorization accompanies this amendment to reset the period so as to expire on June 3, 2009. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the following remarks. Claims 40 and 41 have been added. Claims 32 and 35-41 are pending.

Substance of the Interview with the Examiner

Applicant thanks Primary Examiner Isis A. Ghali for the constructive interview held on April 23, 2009. Claims in the pending application and the unexpected results and comparative data in the specification were discussed. Claim amendments to overcome the cited references were proposed.

Claim Rejections under 35 USC § 103

Claims 32, 35-39 have been rejected under 35 USC §103(a) as being unpatentable over the combined teachings of Meyer et al. (U.S. Pat. No. 4,738,257) and Balinth (U.S. Pat. No. 4,335,026).

Applicants submit that the combination of EPDM and PIB yields a compound that possesses unexpected properties and is therefore not taught or suggested by Meyer or Balinth.

The Examiner states on page 10 of the February 3, 2009 office action that the tables show that prior art US 4,551,490 provides integrity of 9 and absorption up to 245, while the present compositions provide similar, less or equivalent integrity and absorbency. Applicants respectfully disagree with the Examiner's statement. As clearly shown in Table 2, the preferred hydrocolloid compositions 8-11 show a percentage saline absorption of **318-351%** whereas the

US 4,551,490 prior art 4-7 show a percentage saline absorption of **209-251%. The increase of saline absorption from around 200% to 300% is a significant increase.**

Claim 32 has been amended to recite the specific EPDM disclosed in Table 2, Royalene 521. Though the name "Royalene 521" is stated in the claim, it is to be understood that all legal equivalents to Royalene 521 are covered by this claim.

Claim 40 recites a hydrocolloid composition wherein the hydrocolloid composition has a saline absorption percentage of about 318 % to 351% and comprises EPDM. None of the cited references teach or suggest a hydrocolloid composition with such a high saline absorption percentage that also includes EPDM, a **hydrophobic** polymer.

The Examiner compares various examples taken from Tables 1-3 to illustrate the Examiner's belief that no unexpected results were presented. Applicants submit that because different types of EPDM (Royalene 521 and Royalene 512) and PIB (PIB 6H, Vistanex LM-MH, etc.) were used for the different tables, **the percentage saline absorption and integrity values for the examples should only be compared within their respective tables**. For example, it is inconclusive comparing the percentage saline absorption of example 16 to the percentage saline absorption of prior art examples 4-7, since different EPDM and PIB are used.

Only Table 2 provides both prior art examples and preferred composition examples with similar ingredients and thus should be the only table used for prior art and preferred composition comparisons. Example 3 showed that having only PIB, there was very low observed integrity. Examples 4-7 showed that by decreasing PIB content and adding butyl rubber, the observed integrity enhanced significantly. However, the addition of a **hydrophobic** butyl rubber expectedly also decreased % saline absorption, wherein greater butyl rubber content (15% compared to 8.4%) resulting in lower percentage saline absorption (209-229% compared to 245-251%). Since EPDM is **also a hydrophobic polymer**, a person skilled in the art would expectedly predict that the addition of EPDM would also decrease % saline absorption. **Unexpectedly**, the addition of EPDM **increased the % saline absorption levels** but **also maintained a similar integrity level** when compared to prior art examples 4-7. An increase in

EPDM content (15% compared to 8.4%) actually increased percentage saline absorption (350% compared to 318%). Since the contents of the other ingredients are relatively similar, these results clearly show that EPDM was the cause of the improvement. It is incorrect to believe that this property was a result of the presence of the hydrophilic particles since the content of hydrophilic particles was 30% in all the examples.

Futhermore, Table 3 showed in example 16 that without PIB and having **only hydrophobic polymer EPDM**, the percentage saline absorption of a composition **drastically decreased**.

None of the cited references explicitly suggest or teach the combination of EPDM and PIB because the advantage of high absorption from the addition of a hydrophobic polymer is not expected by one skilled in the art. As stated in the MPEP, "Expected beneficial results are evidence of obviousness of a claimed invention, **just as unexpected results are evidence of unobviousness thereof**." *In re Gershon*, 372 F.2d 535, 538, 152 USPQ 602, 604 (CCPA 1967). Therefore, Applicant respectfully submits that independent claim 32 and the claims dependent therefrom are not obvious and are patentable under 35 USC §103.

Conclusion

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicant's undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 070377-010200 is referred to when charging any payments or credits for this case.

Respectfully submitted,

Date: May 15, 2009

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